



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Santa Ana Region

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288



**Gray Davis**  
Governor

September 29, 2000

Mr. Jim Borcuk  
County of San Bernardino  
Department of Public Works – Flood Control  
825 East Third Street  
San Bernardino, CA 92415-0835

### WASTE DISCHARGE REQUIREMENTS FOR SAN BERNARDINO COUNTY, AREA-WIDE MUNICIPAL STORM WATER PERMIT, ORDER NO. 96-32, NPDES NO. CAS618036

Dear Mr. Borcuk:

On September 1, 2000, we received the NPDES renewal application pertaining to the above-referenced discharge. The Report of Waste Discharge (ROWD) was very well written and was organized in a clear, concise format. The inclusion of itemized performance goals, performance commitments and implementation timelines combined with the overall quality of the submittal, resulted in a report that was easy to review and should provide clear guidelines to the co-permittees as to their responsibilities under their NPDES permit.

While the application appears to be generally complete, there are some issues that require clarification or revision. They are as follows:

The implementation schedules at the end of each section require a legend, which describes the various timelines in the column headers and the significance of the shading and symbols within the body of the chart.

Section 1.4.4 states that for municipal construction projects, Storm Water Pollution Prevention Plans (SWPPP) would be prepared and implemented. However, in the discussion related to industrial activities conducted by municipalities, no mention is made regarding implementation of Best Management Practices (BMP) or preparation of a SWPPP. Facility and activity specific plans, such as SWPPPs, must be prepared, reviewed and implemented to ensure that pollutant loading from municipal activities is reduced to the "Maximum Extent Practicable (MEP)" and to provide municipal employees with the guidance necessary to properly conduct day-to-day activities, as well to respond to emergencies, such as hazardous spills.

Section 4.4.2 states that, "Enforcement of the State Construction Permit will be the responsibility of the Regional Board". While the Regional Board may be the primary agency responsible for enforcement of the State Construction Permit (General Permit), municipalities are required to control discharge of pollutants, including sediment, exiting their storm drain systems. When municipal inspectors, from any department, are visiting a construction site and witness conditions or practices that do not meet the municipality's erosion/sediment control ordinance, the municipality should be capable of taking necessary enforcement action to enforce its ordinance. While notification of Regional Board staff regarding noted violations is appropriate and may result in Regional Board enforcement action, that does not alleviate the responsibility of municipalities to regulate discharges or potential discharges of pollutants to their storm drain system.

Performance Commitment 4-5 states that "Each permittee will notify the RWQCB of any General Construction Permit violations noted during the permittees site inspection activities for other local

permits.” As stated above, notification of Regional Board staff is appropriate but does not alleviate municipalities of the responsibility to regulate to MEP, discharges or potential discharges of pollutants to their storm drain system.

Section 5.5.4 proposes that storm drain facilities will be cleaned when they are at least 40% full. While a storm drain at 60% capacity may continue to function properly in the transport of storm water from a hydraulic aspect, the extended storage of debris will likely result in the lowering of water quality in discharges from that system. Debris, including sediment, can result in discharges with increased dissolved metal concentrations, decreased dissolved oxygen/ increased biological oxygen demand levels, increased turbidity and increased fines, and floatable trash content. While it is understood that annual cleaning of 100% of all municipal storm drain facilities, including catch basins, is a desirable but not an achievable goal, additional requirements regarding an annual commitment are needed. Under the proposed plan, if all of a municipality’s storm drain systems were between 30 and 40% full, no cleaning would be required for that year. If a sufficiently strong storm were to then occur, all debris would then be transported to local receiving waters. Therefore, there must be a commitment to a minimum percentage of systems to be cleaned each year, included in the plan.

Performance Commitment 5-17 addresses street sweeping and sets a goal of at least annual sweeping of 100% of the streets and a commitment of at least annual sweeping of 75% of the streets. It is clear that a single commitment or goal cannot apply to all streets within the County. The commitments and goals should be grouped into several classifications based on street activity, adjacent land uses, proximity of storm drain catch basin inlets, and proximity to ultimate receiving waters.

In Section 9, Monitoring, the permittees have recommended substantial changes to the established monitoring program. It is our understanding that these changes were proposed, in part, due to anticipated TMDL requirements, the Section 13267 request by Regional Board staff for an investigation of sources of pathogens found in the Santa Ana River, and the results of past monitoring. While Regional Board staff understand that monitoring programs must be dynamic and change as new information is gathered and analyzed and as new priorities arise, it must be understood by the permittees that as additional studies are conducted within the county, additional funding will likely be required. That is, the funds necessary to refine loading estimates in a TMDL cannot entirely be generated through the elimination of other county-funded monitoring programs.

While further analysis of proposed monitoring program changes are necessary, the following issues need clarification:

Given that Section 9.2.5.3 states that first flush concentrations higher than or roughly equal to non-first flush data, it is not clear how discontinuing “intra-event” first flush sampling can be justified, since these higher pollutant concentrations would result in a higher potential for acute toxicity for aquatic organisms.

Section 9.2.5.3 recommends elimination of first flush sampling while expanding “Main Program” sampling. Yet it appears that there is also a recommendation to eliminate many of the “Main Program” sampling locations.

It is not clear why an upstream tunnel construction project should result in the elimination of the City Creek sampling site, since data from this station should show the effectiveness of the BMPs the municipalities have required to be implemented to eliminate pollutant discharge from construction site.

Clear justification was not presented for the reduction of wet weather monitoring events from four to three.

The 'sampling restrictions' such as the 72-hour dry period, the two week inter-event period and others are intended to ensure that the few storm events analyzed each year provide meaningful pollutant loads. Removal of these restrictions could result in samples only being collected during 'easily' anticipated 2<sup>nd</sup> and 3<sup>rd</sup> storm events that may closely (1 day or less) follow the initial storm event that would contain higher pollutant loads.

Section 9.2.1 states that updated land use and drainage area maps have been prepared and are updated on a regular basis. The current version of these maps should be included in the report, at such a scale that sufficient detail exists to determine boundaries of these areas.

Finally, Appendix E presents data on mean annual loads for drainage areas within the County. First, there appears to be some formatting problems with the first page of data. Second, as previously mentioned, a map (or series of maps) needs to be provided in the report, identifying these drainage areas.

The above comments represent Regional Board staff's comments to the Report of Waste Discharge, with the exception of the proposed monitoring plan which requires further review. Order No. 96-32, NPDES No. CAS618036, will expire on March 1, 2001. Revised waste discharge requirements will be developed and a tentative order will be forwarded to you prior to this expiration date. The Report of Waste Discharge, submitted September 1, 2000, as well as any future submittals clarifying issues raised in this letter and in future discussions will be taken into account during the preparation of the revised requirements.

If you have any questions, please contact me at (909) 782-4998.

Sincerely,

Mark E. Smythe, Chief  
Storm Water Unit

cc:

U.S. Environmental Protection Agency, Permits Issuance Section - Terry Oda (WTR-5)  
State Water Resources Control Board, Division of Water Quality - James Kassel / Bruce Fujimoto  
Camp Dresser & McKee Inc. – Craig Matthews